

TOWNSHIP OF BERNARDS **ZONING BOARD OF ADJUSTMENT**

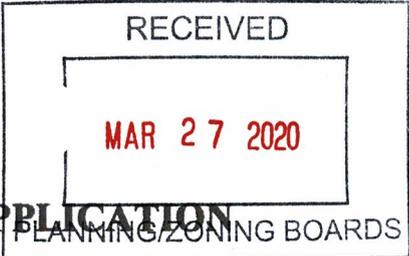
REGULAR MEETING AGENDA v2 Warren Craft Meeting Room

September 9, 2020

This meeting will be held in person in the Warren Craft Meeting Room. In addition, the public will be able to view the meeting live on Optimum/Cablevision TV – Channel 15 and Verizon FIOS TV – Channel 35 and the meeting will also be streamed live for those interested in watching on their computers. The link will be available at 7:30 PM by clicking on the “Watch the Meeting Live” icon on the Bernards Township homepage. Questions/comments from the public will be accepted **only** during the public questions/comments periods of the meeting. Those questions/comments may be offered in person at the hearing or by calling 908-202-6426. Please use Google “Duo” for your call. You will be required to provide your name and address and be sworn in prior to making comments.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. OPEN PUBLIC MEETING STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES**
 - A.** August 5, 2020 – Regular Session
- 6. APPROVAL OF RESOLUTIONS**
 - A.** McCrone, Robert S. & Susan M.; Block 1302, Lot 26; 55 Decker Street; Bulk Variances; ZB20-011 (approved)
 - B.** Lincoln Avenue Gospel Hall; Block 8903 Lot 36; 3265 Valley Road; Preliminary/Final Site Plan, Conditional Use Variance (d-3), Bulk Variances; ZB20-006 (approved)
- 7. COMPLETENESS AND PUBLIC HEARING**
 - A.** [Heath, Christopher & Renee](#); Block 10704, Lot 42; 21 Old Stagecoach Road; Elimination of Condition, Bulk Variance; ZB20-007 (continued from 07/08/2020)
 - B.** [Trinks, Uwe P.](#); Block 11601, Lot 30; 50 Long Road; Bulk Variances; ZB20-012
 - C.** [Sands, Stephen C. & Laura K.](#); Block 1204, Lot 20; 141 Washington Avenue; Bulk Variances; ZB20-013
 - D.** [Becht, Derek J. & Victoria M.](#); Block 3801, Lot 16; 26 Normandy Court; Bulk Variances; ZB20-014
- 8. 2019 ANNUAL REPORT AND RECOMMENDATIONS**
- 9. COMMENTS FROM MEMBERS**
- 10. COMMENTS FROM STAFF**
- 11. ADJOURN**

08/31/2020 dssw
FINAL



**TOWNSHIP OF BERNARDS
2020 ZONING BOARD OF ADJUSTMENT APPLICATION**

- Bulk or Dimensional ("c") Variance
- Use ("d") Variance
- Conditional Use ("d") Variance
- Floor Area Ratio, Density, or Height ("d") Variance
- Site Plan - Preliminary / Final
- Appeal of Zoning Officer's Decision
- Interpretation of Zoning Ordinance
- Minor Subdivision
- Major Subdivision - Preliminary / Final
- Other (specify):

relief of condition

1. APPLICANT: Renee Heath / Chris ^{TOP FUEL} Heath

Address: 21 Old Stagecoach Rd

Phone: (home) / (work) / (mobile) 7323710020

Email (will be used for official notifications): renee_wymba@yahoo.com

2. OWNER (if different from applicant): _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: n/a representing self ☺

Address: _____

Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: _____ Profession: _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 10704 Lot(s): 42 Zone: R-0

Street Address: 21 OLDSTAGECOACH RD Total Area (square feet/acres): _____

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? No Yes (if yes, explain or attach Board resolution) ZB-13-013

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? No Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

No [] Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____

requesting relief from condition 7 and increase in coverage amount

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

section # 7 (condition)

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

we've tried w/ HHMA at great lengths and legal expense, as well as road block w/ county due to green acres

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

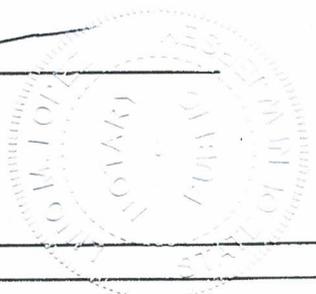
I/we, Christopher Huth and Renee Heath hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): _____ and _____

Sworn and subscribed before me, this 26 day of March, 2020.

Notary

Lino M. Lopez
Notary Public of New Jersey
Commission # 50093787
My Commission Expires 11/12/23



OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

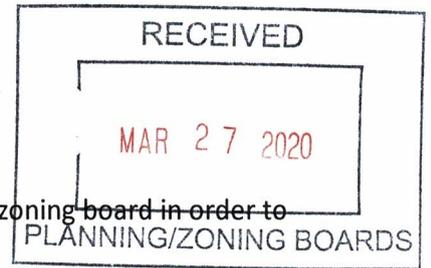
If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application, hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 2020.

Notary



Hello Cyndi,

Thanks for your help this week and please find below details for our request to zoning board in order to obtain c/o approval (permit #20151320; Block 10704, Lot 42).

Dave Schley wrote on 2/25/20 that the zoning office will not object to the Construction Office issuing a further extension of our temporary c/o, for the purpose of allowing time for the Zoning Board to hear and decide our application.

We're asking please:

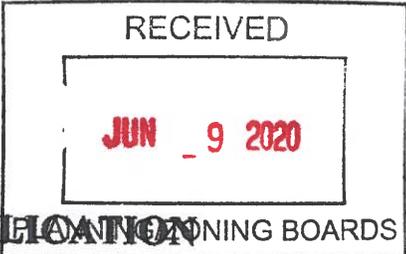
1. Asking for elimination of/relief from condition #7 (resolution ZB-13-013) since it's just access to our house via a private road, which is shared by all property owners of Old Stagecoach Road (where no other owners have easements to cross other's land to access their houses).
2. Asking for change to percentage coverage to be revert to original property at 22.2% (instead of current 18.6%). Due to bad advice from lawyer/builder we just asked for what was being built, instead of what was needed to have a functional property. The 22.2% amount would allow us to put drainage stones back along driveway & by basement door and new stones on side of house where water pools.

We'd like to formally request to get on the next possible board meeting. We're asking because we've tried every avenue possible at great legal expense (HHMA isn't cooperating and existing easement doesn't suffice; county won't sign off due to the parcel of land having been private is now owned by county green acres and is encumbered open space without triggering diversion). We don't want to have to request any more extensions and would love to close this matter (get final c/o).

Any questions please let us know.

Cheers,

Renee Heath
732-371-0020



TOWNSHIP OF BERNARDS
2020 ZONING BOARD OF ADJUSTMENT APPLICATION

- [X] Bulk or Dimensional ("c") Variance
[] Use ("d") Variance
[] Conditional Use ("d") Variance
[] Floor Area Ratio, Density, or Height ("d") Variance
[] Site Plan - Preliminary / Final
[] Appeal of Zoning Officer's Decision
[] Interpretation of Zoning Ordinance
[] Minor Subdivision
[] Major Subdivision - Preliminary / Final
[] Other (specify):

1. APPLICANT: Uwe P. Trinks

Address: 50 Long Road, Basking Ridge NJ 07920
Phone: (home) (work) (mobile) 908-578-1791
Email (will be used for official notifications): utrinks58@gmail.com

2. OWNER (if different from applicant):

Address:
Phone: Email (will be used for official notifications):

3. ATTORNEY:

Address:
Phone: Email (will be used for official notifications):

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: Walter Poniken Profession: Engineer
Address: 37 Farber Hill Road, Boonton NJ 07005
Phone: 973-876-4800 Email (will be used for official notifications): wallycsr@aol.com

5. PROPERTY INFORMATION: Block(s): 11601 Lot(s): 30 Zone: P-3

Street Address: 50 Long Road, Basking Ridge, NJ Total Area (square feet/acres): 3.06 Acres

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? [X] No [] Yes (if yes, explain or attach Board resolution)

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? [] No [X] Yes (if yes, explain) Setback of existing Dwelling to side and back and combined sideyard setback. Variance received on 14 March 2002 for former addition.

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

No Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST:

Property is odd shaped very long but small. Less than 197 feet wide. Existing Dwelling was built in 1968, when setback was 20 feet. Extension was built in 2006 with a variance received in 2002 to a setback of 26 feet. New proposed addition will stay within those 26 feet.

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

Add an addition of 15 feet to the existing side wing of the house and of 5 feet of the backside deck. The required setback is 50 feet from the side and 100 feet from both sides. The current dwelling is within 26 feet from the side and 76 feet from both sides. The new dwelling will be within 26 feet and 76 feet as well.

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:

Existing dwelling is violating the setback. The new addition is not going to be closer than the existing one. Property is very small and odd shaped. A variance was received in 2002 for an addition to the existing house with a setback of 26 feet (Variance is attached).

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Uwe Trinks and _____ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): [Signature] and _____

Sworn and subscribed before me, this 4th day of June, 2020.

[Signature]
Notary

MEAGHAN V NUGENT
Notary Public - State of New Jersey
My Commission Expires Oct 9, 2023

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application, hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 2020.

Notary

Uwe Trinks
50 Long Road
Basking Ridge, NJ 07920

Basking Ridge, 27 May 2020

Application for a Variance to the Zoning Board of Bernards Township

Ladies and Gentlemen,

I am applying for a variance to build a 15 feet (295 sq ft) extension to my existing dwelling at 50 Long Road in Basking Ridge (**Block 11601, Lot 30**). The dwelling violates the zoning rules for setback to one side and the combined setback. The required setback is 50 feet to one side and 100 ft combined. My house is built within 26.9 feet of the one sideline and 76.9 feet combined.

My property is very long and small (197 feet, below the required minimum of 250 ft). The house was built in 1968, when the setback was 20 feet. I acquired it in 1997. In 2006, I finished an extension to the house thanks to a variance I had received from this board on March 14, 2002 to build within 26.9 feet of the sideline. At that time, my property was called **Block 190, Lot 33**. This variance is attached to the application as well as a wetland assessment from 2002 which found no wetlands. My dwelling is located close to the top of the hill.

I would now like to extend the house towards the street by 15 feet with an additional sunroof of 10 feet depth. I will stay within the 26 feet to the sideline. I also would like to extend the back deck by 5 feet, to move the jacuzzi away from the roof. I am seeking relief from the 50 yard side setback and 100 feet combined side setback requirement.

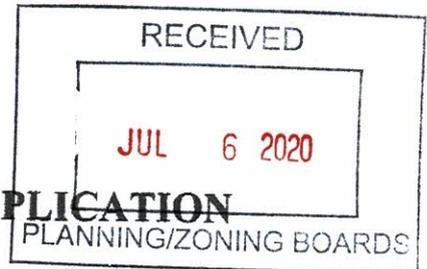
My backyard is over 200 feet away from the next dwelling and a berm planted with large pine trees separates the property next door (40 Long Road) from mine.

Thank you for your consideration.



Uwe Trinks

**TOWNSHIP OF BERNARDS
2020 ZONING BOARD OF ADJUSTMENT APPLICATION**



- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance | <input type="checkbox"/> Appeal of Zoning Officer's Decision |
| <input type="checkbox"/> Use ("d") Variance | <input type="checkbox"/> Interpretation of Zoning Ordinance |
| <input type="checkbox"/> Conditional Use ("d") Variance | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance | <input type="checkbox"/> Major Subdivision - Preliminary / Final |
| <input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Other (specify): |

1. APPLICANT: Stephen C and Laura K Sands

Address: 141 Washington Ave, Basking Ridge, NJ 07920

Phone: (home) _____ (work) _____ (mobile) 973.919.7117

Email (will be used for official notifications): stephensands@gmail.com

2. OWNER (if different from applicant): _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: _____ Profession: _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

5. PROPERTY INFORMATION: Block(s): 1204 Lot(s): 20 Zone: R-7

Street Address: 141 Washington Ave, Basking Ridge Total Area (square feet/acres): 10,000 sq ft

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? No Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? No Yes (if yes, explain) _____

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

No Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____

This property is a single family home on .23 acres with an existing side yard deck.

The owners wish to add a louvered pergola roof system to the existing side deck.

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

Reference: Ordinance 21-15.1(d)1 + Table 501 Dimensional. Variance relief required for Lot Coverage, where 20% is required, 21.625% currently exists and 25.225% is proposed. Variance relief required for Rear Yard Setback where 40' is required, 30.5' currently exists and 37.73' is proposed to the improvement. Variance relief required for Combined Side Yard Setback where 30' is required, 45.083' currently exists and 28.2' is proposed. An original construction variance was granted in 1991 for the rear setback.

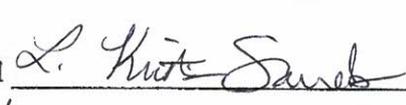
11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION:

The roofing system will close only during incimate weather and has a built in drainage system. The roofing system will not cover anything that isn't already covered by a deck. The original home was built prior to the change in Zoning, resulting in 1/2 acre zoning requirements being applied to the 1/4 acre property. At that time it met all zoning requirements, other than the rear yard, which was approved as part of construction.

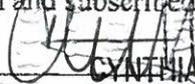
12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Stephen C Sands and Laura K Sands hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s):  and 

Sworn and subscribed before me, this 6 day of JULY, 2020.


CYNTHIA KIEFER
Notary - Notary Public - New Jersey
Commission #2442187
Expires 01/10/24

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application, hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 2020.

Notary

**TOWNSHIP OF BERNARDS
2020 ZONING BOARD OF ADJUSTMENT APPLICATION**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Bulk or Dimensional ("c") Variance | <input type="checkbox"/> Appeal of Zoning Officer's Decision |
| <input type="checkbox"/> Use ("d") Variance | <input type="checkbox"/> Interpretation of Zoning Ordinance |
| <input type="checkbox"/> Conditional Use ("d") Variance | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Floor Area Ratio, Density, or Height ("d") Variance | <input type="checkbox"/> Major Subdivision - Preliminary / Final |
| <input type="checkbox"/> Site Plan - Preliminary / Final | <input type="checkbox"/> Other (specify): |

1. APPLICANT: Mr. Derek Becht + VICTORIA M. BECHT

Address: 26 Normandy Court, Basking Ridge, NJ 07920

Phone: (home) _____ (work) 973-727-5868 (mobile) _____

Email (will be used for official notifications): dbecht@becht.com

2. OWNER (if different from applicant): _____

Address: _____

Phone: _____ Email (will be used for official notifications): _____

3. ATTORNEY: N/A

Address: _____

Phone: _____ Email (will be used for official notifications): _____

4. OTHER PROFESSIONALS (Engineer, Architect, etc. Attach additional sheet if necessary):

Name: Stephen Parker Profession: NJPE

Address: Parker Engineering & Surveying, P.C. - 370 East Main Street, Somerville NJ 08876

Phone: 908-725-4400 Email (will be used for official notifications): parkeres@aol.com

5. PROPERTY INFORMATION: Block(s): 3801 Lot(s): 16 Zone: R-4

Street Address: 26 Normandy Court Total Area (square feet/acres): 40,118 s.f./0.921 ac.

6. ARE THERE ANY PENDING OR PRIOR PLANNING BOARD OR BOARD OF ADJUSTMENT APPLICATIONS INVOLVING THE PROPERTY? No Yes (if yes, explain or attach Board resolution) _____

7. ARE THERE CURRENTLY ANY VIOLATIONS OF THE ZONING ORDINANCE INVOLVING THE PROPERTY? No Yes (if yes, explain) See attached addendum

8. ARE THERE ANY DEED RESTRICTIONS OR EASEMENTS AFFECTING THE PROPERTY?

No Yes (if yes, explain) _____

9. DESCRIPTION OF THE EXISTING PROPERTY AND THE PROPOSAL/REQUEST: _____

The applicant is proposing to construct an enclosed porch to the rear of the home

10. DESCRIPTION OF REQUESTED VARIANCES OR EXCEPTIONS (include Ordinance section no.):

(see attached addendum)

11. THE FOLLOWING ARGUMENTS ARE MADE IN SUPPORT OF THE APPLICATION: _____

The benefits resulting from the proposal outweigh any detriments.

12. NOTARIZED SIGNATURES (ALL APPLICANTS AND OWNERS MUST SIGN):

APPLICANT(S) SIGN HERE:

I/we, Derek Becht and _____ hereby depose and say that all of the above statements and the statements contained in the materials submitted herewith are true and correct.

Signature of Applicant(s): [Signature] and _____

Sworn and subscribed before me, this 30 day of July, 2020.

[Signature]
Notary

BARBARA BUNTING
NOTARY PUBLIC OF NEW JERSEY
Comm. # 24339900
My Commission Expires 5/15/2023

OWNER(S) SIGN HERE (IF APPLICANT IS NOT THE OWNER):

If the application is made by a person or entity other than the property owner, or by less than all of the property owners, then the property owner or the additional owners must complete the following:

I/we, _____ the owner(s) of the property described in this application, hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.

Signature of owner(s): _____

Sworn and subscribed before me, this _____ day of _____, 2020.

Notary

ADDENDUM TO APPLICATION

This letter is attached to and considered part of the Variance application for the subject property.

The applicant is requesting the following variances:

1. The proposed enclosed porch addition will violate the rear yard setback requirement of Ordinance 21-15.1.d. - 75 ft. is the minimum required setback distance and the proposed enclosed porch will be 56.7 ft.
2. The existing deck violates the rear yard setback requirement of Ordinance 21-15.1.d. Because the existing open deck exceeds 600 s.f., it is not exempt from the standard rear yard setback requirement of 75 ft. The existing deck is 57.9 ft. from the rear property line and no changes are proposed to the deck.
3. The existing impervious coverage is 15.27% and with the addition of the proposed enclosed porch, the impervious coverage will become 16.04%. This is in violation of Ordinance 21-15.1.d. which allows a maximum impervious coverage of 15%.

In addition, there are existing non-conforming conditions of the property that are not proposed to change as a result of the application:

1. Existing Lot Area = 0.92 ac. where 1.0 acres are required by Ordinance 21-15.1.d.
2. Existing Lot Width = 186.7 ft. where 200 ft. is required by Ordinance 21-15.1.d.
3. The existing Minimum Improvable Lot Area = 7,946.16 s.f. where 10,000 s.f. is required in Table 401-A of Ordinance chapter 21.